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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Venkatesh Krishnan et al.

Confirmation No.: 3679

Application No.: 09/264,756

Examiner: Nguyen D.

Filing Date: 3-9-99

Group Art Unit: 2154

Title: CLASS LOADING IN A VIRTUAL MACHINE FOR A PLATFORM HAVING MINIMAL RESOURCES

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TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on 10-1-04. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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Respectfully submitted,

Venkatesh Krishnan et al.

By Paul H. Horstmann

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Date: 12-1-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Venkatesh Krishnan et al.

Application No: 09/264,756

Filed: 3-9-99

For: CLASS LOADING IN A VIRTUAL  
MACHINE FOR A PLATFORM  
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**Appellant's Reply Brief**

Dear Sir:

Applicant/ Appellant submits this Reply Brief in connection with the  
above-referenced patent application which is on appeal to the Board of Patent  
Appeals and Interferences.

### Remarks

In response to the argument set forth in Appellant's Brief of July 13, 2004 that *Bak* and *Ebrahim* do not disclose or suggest obtaining a set of classes via a network as needed while executing an application program as claimed in claims 20, 31, and 40, the examiner has stated that

Bak discloses...the set of classes is obtained...via a network as mentioned in

"Cabinet 7 houses a CD-Rom drive, system memory and hard drive may be utilized to store and retrieve software programs incorporating computer code that implements the invention, data for use with the invention [i.e. classes]<sup>1</sup>, and the like. Although the CD-ROM is shown as an exemplary computer readable storage medium,...Additionally, a data signal embodied in a carrier wave (e.g. in a network including the Internet) may be the computer readable storage medium" [col 4, lines 29-45].

(Page 9, last paragraph through page 10, first paragraph, examiner's answer, 10/1/04) (emphasis added).

Appellant respectfully submits that the examiner obtained the idea that the "data for use with the invention" as taught by *Bak* could be a set of classes needed for executing an application program not from reading *Bak* but from reading Appellant's own disclosure. Appellant submits that the boiler-plate description in *Bak* at col. 4, lines 29-45 of a "computer readable storage medium" whether it be a local CD-ROM or network connection is intended to support software claims rather than describe obtaining a set of classes via a network as needed while executing an application program as claimed in claims 20, 31, and 40.

In addition, the examiner has stated in response to Appellant's argument that *Bak* and *Ebrahim* do not disclose or suggest selecting and purging arrays and references from a class structure as claimed in claims 20, 31, and 40 that

Ebrahim discloses selecting and purging array and references...from a class structure [i.e. heap]

(Page 10, last line through page 11, first line, Examiner's Answer, 10/1/04).

Appellant respectfully submits that the “heap” of *Ebrahim* is not a class structure as claimed in claims 20, 31, and 40. Instead, the heap 116 of *Ebrahim* is a repository for storing instances of classes obtained from a class structure. (*Ebrahim*, col. 3, lines 36-42). For example, *Ebrahim* discloses a class repository 150 for storing classes and states that

in a computer system set up to execute Java bytecode programs, memory 108 will include at least one class repository 150, for locally storing object classes 152 in use and/or available for use by users of the computer system 100. The heap 116 acts as an object repository for storing objects, which are instances of objects of the object classes stored in the class repository 150. (*Ebrahim*, col. 3, lines 36-42) (emphasis added).

Appellant submits that the teaching in *Ebrahim* of purging objects from a heap would not motivate one of ordinary skill in the art to turn around and purge arrays and references from a class structure so as to minimize class loading activities on a network as claimed in claims 20, 31, and 40 because the heap of *Ebrahim* holds instances of object classes obtained from a class structure. Purging the heap as taught by *Ebrahim* would have no effect on the class structure itself and therefore no effect on class loading activities as claimed in claims 20, 31, and 40.

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<sup>1</sup> The bracketed text “i.e. classes” does not appear in the section of *Bak* cited by the examiner but was instead inserted by the examiner.


### CONCLUSION

Appellant respectfully re-submits that the stated rejections cannot be maintained in view of the additional arguments set forth above. Appellant respectfully submits that all of the claims 20-46 are patentable under 35 U.S.C. §103 over the references cited by the Examiner and requests that the Board of Patent Appeals and Interferences direct allowance of the rejected claims.

Respectfully submitted,

By

Date: 12-1-04

  
\_\_\_\_\_  
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